CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

RECEIVED

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In re prior PATENT APPLICATION of Inventor(s) MOODY et al.	Group Art Unit: 1651 Examiner: M. Meiler

Appln. No. 09 / 457,765
Series Code / _Serial No._

Filed: December 10, 1999

Atty. Dkt. PM 265189   9143/US/CON/WO

     Parent M#   Client Ref

Hon. Commissioner for Patents
Box CPA
Washington, DC 20231

Date: October 12, 2001
DO NOT USE THIS FORM (EXCEPT FOR DESIGNS) IF PARENT WAS §111a filed on/after 5/29/00 or a §371 if it's IA WAS FILED ON/AFTER 5/29/00; USE PAT-252 (RCE) if poss. or PAT-108

This is a request for a ☒ continuation ☐ divisional application under 37 CFR 1.53(d). (continued prosecution application (CPA)) of the above prior application number, entitled

PROCESS FOR PREPARATION OF AMPICILLIN

ATTENTION ⇨

<u>NOTES</u>

FILING QUALIFICATIONS: The prior application identified above cannot have been filed <u>on/after</u> 5/29/00 but must be (1) a nonprovisional application filed <u>before</u> 5/29/00 that is complete as defined by 37 CFR 1.51(b), or (2) the national stage (of an international application filed <u>before</u> 5/29/00) in compliance with 35 U.S.C. 371, and is neither abandoned nor its proceedings terminated and its issue fee has not been paid (unless item 6A below is X'd)

CIP NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a)

1	☐ Enter the unentered amendment previously filed on _____ in the prior nonprovisional application. (Include claim fees on page 2).
2	☒ A preliminary amendment is enclosed. (See page 3 for additional claims fees).
3	This application is filed by <u>fewer</u> than all the inventors named in the prior application. 37 CFR 1.53(d)(4). a ☐ DELETE the following inventor(s) named in the prior nonprovisional application: 1. _____ 2. _____ 3. _____ 4. _____ b ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4	☐ A new power of attorney is enclosed.
5	Information Disclosure Statement is enclosed including: ☐ IDS Letter ☐ Cited Appln(s). ☐ Foreign Search Report/OA ☐ PTO-1449 ☐ Cited Documents

6 ☐ PRELIMINARY AMENDMENT to be entered before fee calculation (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee (on page 2) per MPEP § § 506 and 607: do not cancel all claims.)

6A ☐ The issue fee has been paid in the parent. but this CPA Request is based on a Rule 313(c)(3) petition and Rule 53(d)(1)(ii)(A).

6B ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (PAT-258)

7 ☐ **Please suspend action** under Rule 103(b) for a period of _____ Months (limited to 3 months maximum)

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 1 & 6 ABOVE

8 Small Entity Status : ☒ is Not claimed   ☐ is claimed (**pre**-filing confirmation required)

9 Basic filing fee		Large/Small Entity			Fee Code
	☒	Utility Appln. - - $740/$370	$	740	(131/231)
	☐	Design Appln. - - $330/$165	$	0	(132/232)
	☐	Plant Appln. - - $510/$255	$	0	(133/233)
	☐	Reissue Appln. - - $740/$370	$	0	(134/234)

10. (reserved)

11	Total Effective Claims	10	minus	20 = *	0	x	$18/$9 =	+	0	(103/203)
12	Independent Claim	1	minus	3 = *	0	x	$84/$42 =	+	0	(102/202)

*If answer is zero or less. enter "0"

13 If any proper (ignore improper) multiple dependent claim is present. ☐ add $280/$140   + 0   (104/204)

14 Original Due Date: September 5, 2001 _____   ☐ None

15 **Petition is hereby made** to extend the original due date to cover the date this CPA is filed for which the requisite fee is attached

(1mo)- $110/$55= $_____		(115/215)
(2mos)- $400/$200= $_____	$ 400	(116/216)
(3mos)- $920/$460= $_____		(117/217)

16 Enter any previous extension fee paid since above original due date (item 14) and subtract   - $ 0

17   **EXTENSION FEE ATTACHED** $ **400**

18   **TOTAL FILING FEE** = $ 1140

19 If box 7 above is X'd - add required fee ($130)   + 0   (122)

20   **FEE ATTACHED** = $ 1140
                    (carry forward to line 27)

(FOR AMENDMENT FEES RE ITEM 2 ABOVE SEE NEXT PAGE)

21 ☐ ATTACHED

22 ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT
TO BE ENTERED (PER ITEM 2 ABOVE)

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	
				Large/Small Entity	Fee Code
23 Total Effective Claims	_____ minus**	20	= * 0	x $18/$9 = $ 0	(103/203)
24 Independent Claims	_____ minus***	3	= * 0	x $84/$42 = + 0	(102/202)

25. If amendment enters proper multiple dependent claim(s) into this application for the first time. - ☐ add 140280$280 $140 (per application)   + 0   (104/204)

26.   ADDITIONAL FEE $ 0

27.   plus **FEE** from item 20 on page 3   + 1140

28.   **TOTAL FEE ATTACHED** $ **1140**

29. *If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

30. **If the "Highest number previously paid for" (see item 11 above) is less than 20, write "20" in this space.

31. ***If the "Highest number previously paid for" (see item 12 above) is less than 3, write "3" in this space.

        Our Deposit Account No. 03-3975
        Our Order No.   30268   265189
                          C#   M#

32. **CHARGE STATEMENT** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

        Pillsbury Winthrop LLP
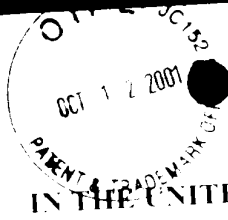   **Intellectual Property Group**

1600 Tysons Boulevard   By Atty: Paul L. Sharer   Reg. No. 36004
McLean, VA 22102
Tel (703) 905-2000   Sig: _____   Fax: (703) 905-2500
                                                            Tel: (703) 905-2180

Atty Sec PLS/cdw

        NOTE: No. 1 File this Request in duplicate with PTO receipt (PAT-103A) & attachments.
        NOTE: No. 2 Is extension necessary for copendency? **DOUBLE CHECK** Item 14 above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

MOODY et al

Appln. No.: 09 457.765

Filed: December 10. 1999

Title: PROCESS FOR THE PREPARATION OF AMPICILLIN

Group Art Unit: 1651

Examiner: M. Meller

*   *   *   *   *   *   *   *

October 12. 2001

PRELIMINARY AMENDMENT

Hon. Commissioner of Patents
 and Trademarks
Washington. DC 20231

Sir

In response to the Office Action dated June 5. 2001 and the Advisory Action

dated August 20. 2001 please amend the above-identified application as follows:

IN THE CLAIMS:

Please. enter following amended claims:

1   (Twice Amended) A batch process for preparation of ampicillin comprising:

a)   acylating 6-aminopenicillanic acid (6-APA) with a phenylglycine derivative in

the presence of an enzyme to form a reaction mixture:

wherein:

i)   the total concentration of 6-APA and ampicillin combined is greater than

250 mM:

ii)   the concentration of 6-APA in solution is lower than 300 mM: and